

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA                    )  
                                                  )  
                  v.                                ) Criminal No. 05-8 Erie  
                                                  )  
MICHAEL KOSTENIUK                            )

**MOTION TO EXTEND THE TIME FOR THE  
FILING OF PRETRIAL MOTIONS**

AND NOW, comes the defendant, MICHAEL KOSTENIUK, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully moves this Honorable Court for an Extension of Time to File Pretrial Motions, and in support thereof sets forth as follows:

1. The defendant, Michael Kosteniuk, has been charged in a two-count indictment with violations of Title 18, U.S.C. §§ 2252(a)(2) and 2252(a)(4)(B); receipt of and possession of material depicting the sexual exploitation of a minor and receipt of obscene material.

2. Pursuant to an Order of Court dated October 31, 2005, certain types of pretrial motions are due on January 30, 2006.

3. The parties are in the process of negotiating a settlement of this matter which, if successful, would obviate the need for the filing of pretrial motions.

4. Accordingly, counsel requests an additional thirty (30) within which to file pretrial motions.

WHEREFORE, defendant, Michael Kosteniuk, respectfully requests an extension of thirty (30) days to file pretrial motions.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton

Assistant Federal Public Defender

PA ID #88653